

VOLUME

3

APPENDIX

IN THE
UNITED STATES

COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 25654

BILLY WAYNE POSEY, CECIL RAY PRICE, HORACE DOYLE
BARNETTE, JIMMY SNOWDEN, JIMMY ARLEDGE, ALTON
WAYNE ROBERTS and SAM HOLLOWAY, JR.,

ENCLOSURES

versus

FILE

UNITED STATES OF AMERICA

Appellants,

Appellee

Department of Justice
Records Administration Branch
Enclosure File No. 18
Serial No. 144-41-686
Indexed JAN 22 1969

*File
144-41-686
DRC*

Appeal from the United States District Court
for the Southern District of Mississippi

1 BY THE COURT:

2 Overruled.

3 BY MR. DOAR:

4 Q And at the third meeting at Bloomo School, who was
5 present, among the defendants.

6 A Lawrence Rainey, Billy Wayne Posey, and Cecil Price.

7 Q And where is Lawrence Rainey sitting?

8 A He is sitting in a chair right here. I don't under-
9 stand what you want? Hes on the end right there.

10 (Pointing to defendant Rainey).

11 BY THE COURT:

12 You are ordered to speak up loud enough for us to
13 hear what you are saying. She is trying to take
14 down what you are saying, the jurors are trying to
15 hear you and so am I, so just use a little effort
16 and speak up. Use the microphone right there in
17 front of you.

18 BY MR. DOAR:

19 Q Can you tell us where Mr. Rainey is sitting?

20 A He is sitting on the end chair.

21 Q And where is Billy Wayne Posey sitting?

22 A He's sitting right there.

23 Q Can you describe the color of the coat he's wearing?

24 A Its a brown coat and he is wearing glasses.

25 Q And where is Cecil Price sitting?

1 A. The third man from the other end.

2 Q. Now at the meeting at Clayton Lewis' pasture, what,

3 if anything, was said by Preacher Killen?

4 A. About what?

5 Q. About Civil Rights Workers?

6 A. Uh---

7 BY MR. WEIR:

8 We object, Your Honor, unless he can confine it

9 to something connected with this case or something

10 that affects the case.

11 BY THE COURT:

12 Well, I don't know what he is going to say.

13 BY MR. DOAR:

14 You may answer.

15 A. There was something said in the essence that if they

16 have to, they would start meeting in homes instead

17 of churches they had been meeting in.

18 BY MR. WEIR:

19 Now I object to that and move the Court to exclude

20 his answer. It is not pertinent to this case.

21 BY THE COURT:

22 I don't see what it amounts to but I'll overrule

23 your objection. I thought he was fixing to come

24 out with something.

25 BY MR. DOAR:

1 Q Did you have some conversation with Lawrence Rainey
2 about being a member of the Klan?

3 A I--

4 BY MR. WEIR:

5 Judge, unless it has some connection with the case----

6 BY MR. DOAR:

7 During the period we are talking about?

8 BY THE COURT:

9 Come on sir, you are taking too much time to give
10 us some frivolous answers.

11 BY THE WITNESS:

12 Would you state the question again please?

13 Q Did you, during the Spring of 1964 have any conversa-
14 tion with Lawrence Rainey about membership in the Klan?

15 BY MR. WEIR:

16 Object.

17 BY THE COURT:

18 Overruled.

19 BY THE WITNESS:

20 Shall I answer?

21 BY THE COURT:

22 Yes sir.

23 BY THE WITNESS:

24 A I remember only an attitude, I don't remember a direct
25 statement that I could make verbatim, I just remember

that it was commonly known that he was a member of the Klan at the time I was in the Klan.

BY MR. BUCKLEY:

Now, Your Honor, we are going to object to his answer.

BY THE COURT:

I'll sustain the objection.

BY MR. DOAR:

That is all that I have, Your Honor.

BY MR. BUCKLEY:

If it please the Court, we respectfully move the Court to ask the Jury to disregard that last statement.

BY THE COURT:

Yes, you may disregard that last statement.

Witness, let me ask you this. Are you scare of anybody or anything up here?

BY THE WITNESS:

No sir, this is my first experience in the courtroom.

BY THE COURT:

All right. Go along.

CROSS EXAMINATION

BY MR. WEIR:

Q. Have you been paid anything at all by Federal Authorities?

A. Yes.

1 Q Do you draw it by the month?
2 A No-----
3 Q As an informer.
4 A No, each time of the meetings.
5 Q How much did you draw?
6 A \$400.
7 Q Each time you meeting with them and giving them
8 information?
9 A No, all together \$400.
10 Q That's what you've drawn in all?
11 A Yes.
12 Q So then you got about \$125 for information at each
13 meeting, was that the way it was?
14 A It varied in amounts.
15 Q Who gave the money to you?
16 A Uh, the Agent I talked to.
17 Q Who was it?
18 A Jack Rucker.
19 Q Mr. Jack Rucker? Where does he reside, or where is
20 he at?
21 A Where he is now?
22 Q Yes sir.
23 A I don't know.
24 Q Of course you ~~xxx~~ can't say that a single soul here
25 behind the rail had one thing in the world to do with

1 the incident for which they are on trial for now, can
2 you?

3 A. Well---

4 BY MR. HAUBERG:

5 We object, Your Honor, this would be a conclusion
6 of the witness.

7 BY THE COURT:

8 I'll let him answer if he knows.

9 BY MR. WEIR:

10 Q. You don't know it, do you?

11 A. As far as actually knowing, I do not.

12 Q. You don't know if a single soul on the inside of this
13 rail had one thing to do with that, do you?

14 A. With what?

15 Q. Well, with the alleged missing of these three Civil
16 Rights workers, you can't say that a single soul
17 behind this rail had anything to do with it, can you?

18 A. As far as see and knowing, I can not.

19 Q. Yes sir. Now, you have been paid \$400, how much more
20 have you been paid?

21 A. I promised to tell the truth and I told you that I
22 had received \$400, and that's how much.

23 Q. But it was all received from the same Agent?

24 A. Pardon?

25 BY MR. HAUBERG:

1 We object to that for the reason-----

2 (Mr. Weir continued talking and Court Reporter
3 unable at this point to get Mr. Hauberg's
4 objection.

5 BY THE COURT:

6 Just a minute, Mr. Weir, let me get Mr. Hauberg's
7 objection. What was your objection again?

8 BY MR. HAUBERG:

9 We object to that, if the Court please, for the
10 reason he has gone into that several times.

11 BY THE COURT:

12 Well, that's what he has been doing, but I'll
13 let him answer you one more time and then let's
14 go to something else.

15 BY MR. WEIR:

16 A. Yes, Your Honor. Now, was it all received from the
17 same Agent or not?

18 A. No sir.

19 Q. Well, what other Agent besides this man has paid
20 you?

21 A. Don Ceaser.

22 Q. Mr. Don Ceaser. Yes sir, and how much did he give
23 you?

24 A. I don't know the amount each one gave to me, I just
25 know the total amount.

1 Q Did they pay you cash, by check or how did they pay
2 you this money?

3 A They paid me in cash.

4 Q Did they tell you what branch of the Federal
5 Government was paying this money to you?

6 BY MR. HAUBERG:

7 We object to that, if the Court please.

8 BY THE COURT:

9 Sustained.

10 BY MR. WEIR:

11 Q All right sir. Now Brother Dennis, have you heard
12 your brother, Delmar, say that Cecil Ray Price was
13 not at that Bloomo meeting? Has he told you that?

14 A Say that again, please?

15 Q You told the District Attorney about a meeting over
16 here at the Bloomo School house, didn't you?

17 A Yes sir.

18 Q And your brother, Delmar Dennis, told you that
19 Price was not there, didn't he?

20 A I don't recall any such----

21 BY MR. HAUBERG:

22 We object to that, if the Court please.

23 BY THE COURT:

24 Sustained. Witness, you don't continue your talking
25 when Counsel makes an objection and you wait until

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1 I get through ruling, please sir.

2 BY THE WITNESS:

3 I'm sorry, Your Honor.

4 BY MR. WEIR:

5 Q Well, did you tell your brother, Delmar Dennis, that

6 Cecil Price was not at that meeting at Bloomo School?

7 A. No sir.

8 Q Did you all even discuss it?

9 BY MR. HAUBERG:

10 We object.

11 BY THE COURT:

12 I don't see the relevancy -----

13 BY MR. WEIR:

14 (Interrupting) I thought he was talking about the

15 same meeting, Judge, and I beg your pardon if he's

16 not, if he was talking about a separate meeting.

17 Q Did you go to a meeting at the Bloomo School when

18 your brother, Delmar Dennis was there?

19 A. I don't recall being at the Bloomo School with my

20 brother Delmar.

21 Q. I see. But your brother, Delmar Dennis, is listed

22 as a preacher but is not preaching, do I also under-

23 stand that you are also listed as a preacher but

24 are not preaching either?

25 A. Uh, I would like to ask if I have to answer that

1 question?

2 BY THE COURT:

3 No sir. Ask him something else.

4 BY MR. WEIR:

5 Q Just one minute, if the Court please. (Confers
6 with other Counsel) If the Court please, I believe
7 that's all.

8 BY THE COURT:

9 All right. Any other questions?

10 BY MR. BUCKLEY:

11 Yes, Your Honor, I would like to ask him some
12 questions.

13 BY THE COURT:

14 All right.

15 BY MR. BUCKLEY:

16 Q Mr. Dennis, over what period of time have you been
17 an informer for the Federal Bureau of Investigation?
18 Just approximately how long, I'm not asking you
19 for any definite period of time.

20 A I would have to give you an approximation because I
21 do not know.

22 Q That will be quite sufficient.

23 A Perhaps three months.

24 Q Three months prior to this date or over just a
25 three months period somewhere back?

1 A. A few months back.

2 Q. I see. Beginning approximately when, you don't

3 have to be specific, but just approximately when?

4 A. Uh, I would say 1964.

5 Q. 1964? And you are now employed in Tennessee on

6 a government job, is that correct?

7 A. That is correct.

8 Q. As a Civil Service Employee?

9 A. Correct.

10 Q. Brother Dennis, have you signed statements to the

11 F. B. I. that you have given to them?

12 A. Please, that question again?

13 A. Have you ever given the Federal Bureau of Investigation

14 and signed statements? Have you signed statements

15 for them?

16 A. Uh, I don't understand.

17 Q. Well, you have given them from time to time bits

18 of pieces of information that they consider impor-

19 tant, have you not?

20 A. Under a code name, yes sir.

21 Q. Did you sign these statements?

22 A. Yes.

23 Q. And a portion of it is part of your testimony

24 here today.

25 A. As I understand what you are asking, yes.

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1 Q If it please the Court, Your Honor, the defendants
2 would respectfully move that the United States
3 District Attorney be requested to let the defendants
4 inspect these signed statements?

5 BY THE COURT:

6 All right, the United States Attorney is requested
7 to furnish that statement.

8 (Statement handed to Defendant's Counsel by the
9 United States Attorney.)

10 BY MR. BUCKLEY:

11 Your Honor, this is not very long, it is only about
12 six pages, if we can I think it will just take a
13 few minutes.

14 BY THE COURT:

15 All right, we will just suspend for just a few
16 minutes.

17 BY MR. WEIR:

18 Your Honor, would it be possible for some of the
19 Counsels to be looking at the statement while we
20 get on with something else?

21 BY THE COURT:

22 I think so. Just give that statements to one of
23 the other attorneys and you can go ahead and proceed
24 with something else. I think that is a good idea.

25 BY MR. BUCKLEY:

1 That's all the questions I have at this time,
2 Your Honor.

3 BY MR. WEIR:

4 Would it be possible to excuse this witness and
5 after we have reviewed this statement if we need
6 to call him back, could we do that, Your Honor?

7 BY THE COURT

8 Yes, I think that would be all right.

9 BY MR. WEIR:

10 I'm just trying to expedite the proceedings, if
11 Your Honor please.

12 BY THE COURT:

13 All right. This witness may stand aside and you may
14 put the next witness on, and if they need to further
15 cross examine this witness, you may have him
16 return to the stand when you have had a chance
17 to examine that statement.

18 BY MR. WEIR:

19 Thank you, Your Honor, I think that would be
20 the best way for us not to duly delay the
21 proceedings.

22 (Whereupon Witness Dennis excused from the
23 witness stand, to be recalled if necessary)

24 BY THE COURT:

25 Call your next witness.

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1 JOSEPH M. HATCHER, called as a witness for and on
2 behalf of United States of America, was sworn and
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MR. OWEN:

6 Q Would you state your name, please?

7 A Joseph M. Hatcher.

8 Q Where do you live?

9 A 4009 36th Avenue.

10 Q In what City?

11 A Meridian, Mississippi.

12 Q What is your job?

13 A Police with the Meridian Police Department.

14 Q How long have you held that job?

15 A Going on six years.

16 Q Uh, Mr. Hatcher, in 1964 did you become a member
17 of the White Knights of the Ku Klux Klan?

18 A I did.

19 Q Do you recall, or can you fix the date when you
20 became a member?

21 A No, I can't.

22 Q The approximate month?

23 A It was somewhere around May.

24 Q Now, uh, how many meetings of that organization did
25 you attend, after you became a member?

1 A. I don't remember the exact number, it was four
2 or five.

3 Q. Uh, now did you ever attend a meeting in Neshoba
4 County?

5 A. I did.

6 Q. Do you recall when that was?

7 A. I believe it was in June, sometimes, uh, during
8 1964.

9 Q. Now do you remember where this meeting was held?

10 A. I remember that it was East of Philadelphia, off
11 the blacktop road onto a dirt road at an old
12 school gym, that's all I remember about it.

13 Q. Now, when you went to Philadelphia did anybody meet
14 you prior to the time you went to this old school gym?

15 A. They did.

16 Q. Who was that?

17 A. They called him Preacher Killen at that time.

18 Q. Can you identify him in this courtroom?

19 A. Yes sir.

20 Q. Where is he?

21 A. He's the first man on my left with the glasses on.

22 Q. He's the man with the glasses on?

23 BY MR. BUCKLEY:

24 Your Honor, please, I object to Counsel prompting
25 the witness.

I don't believe that's prompting Counsel, overrule.

BY MR. OWEN:

Q Now, where did you meet him?

A I met him at the H & H Cafe.

Q Where is that located?

A South of Philadelphia.

Q And then where did you go?

A We went to this old school gym.

Q And are, uh, are there any other defendants along the rail, along behind the rail here that you saw at that Klan meeting? Can you see everybody there?

A Right there?

Q All along the rail here and back behind you. See if you recognize anybody else that was at that meeting other than Preacher Killen?

A That's all I remember.

Q Now do you recall what the purpose of that meeting was for?

A I don't recall what the purpose of the meeting was for.

Q Do you know what happened?

A They had an election and the Lauderdale County Chapter received their charter.

BY MR. HENDRICKS:

We object to that, Your Honor. Anything that he has to say about the meeting.

1 BY THE COURT:

2 I haven't heard him say anything yet. Overruled.

3 BY MR. OWEN:

4 Q. Now, who led this meeting?

5 A. Mr. Killen led it off.

6 BY MR. HENDRICKS:

7 We would object to any reference to other defendants,
8 Your Honor.

9 BY THE COURT:

10 Well, he hasn't said anything about any other
11 defendants yet. Overrule.

12 BY MR. OWEN:

13 Q. Uh, what if anything was said about Schwerner at
14 this meeting?

15 A. Uh---

16 BY MR. BUCKLEY:

17 Object, Your Honor, to his leading the witness.

18 BY THE COURT:

19 Yes, sustain the objection.

20 BY MR. OWEN:

21 Q. Do you recall uh, have you ever seen Michael Schwerner?

22 A. Yes sir.

23 Q. Where?

24 A. At the police station here in Meridian, Mississippi.

25 Q. Now, uh, at this meeting was there any conversation

1 about any people involved-----

2 BY MR. HENDRICKS: (INTERRUPTING)

3 We object to his asking him about what the conversation
4 was, he's just trying to put words in his mouth.

5 BY THE COURT:

6 don't
7 I/belive he's putting any words much in his mouth,
8 but I will let you rephrase your question Counsel
9 and let's get around to the time we are interested
10 in and what the issues are in this case and nothing
11 else.

11 BY MR. OWEN:

12 Q. Uh, what conversation, if any, occurred at this
13 meeting?

14 BY MR. BUCKLEY:

15 Your Honor, I object to this unless he relates
16 who was there and when. I don't think he's even
17 specified the date or anything close to it.

18 BY THE COURT:

19 I'll overrule the objection.

20 BY THE WITNESS:

21 A. I don't remember who said it, but I do remember
22 there was some conversation---

23 BY MR. BUCKLEY:

24 We object, Your Honor.

25 BY THE COURT:

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1 Sustain the objection.

2 BY MR. OWEN:

3 Q Was that talk from the group or from the ones inth

4 charge of the meeting?

5 A It was from the floor.

6 Q And what was that?

7 BY MR. BUCKLEY:

8 Your Honor, I object unless he tells who it was.

9 BY THE COURT:

10 Yes, I sustain the objection. I'll let you connect

11 it up with some of the defendants or show that they

12 were present.

13 BY MR. OWEN:

14 Q What defendants, if any, were present at that

15 meeting?

16 BY MR. HENDRICKS:

17 He has already stated, if the Court please, that he

18 only recognized one.

19 BY THE COURT:

20 I'll let him answer.

21 BY MR. OWEN:

22 Q Go ahead, what was said?

23 A They said the people----

24 BY MR. BUCKLEY:

25 We object unless he tells who was there.

1140
1 BY THE COURT:

2 Yes, ask him who was there.

3 BY MR. OWEN:

4 Q Who was present at this meeting?

5 A Mr. Killen was the only one that I recognize.

6 Q And where was he?

7 A He was on the floor.

8 Q Now, what was said in connection-----

9 BY MR. WEIR: (INTERRUPTING)

10 We object unless he knows who said it.

11 BY THE COURT:

12 Said by whom, Counsel? State your questions more
13 specific and let's get along.

14 BY MR. OWEN:

15 Q About Civil Rights Workers up there?

16 A Well, they were saying that they needed to be done
17 away with.

18 BY MR. WEIR:

19 May we have a continuing objection, Your Honor.

20 BY THE COURT:

21 I didn't hear his answer. What was your answer?

22 BY THE WITNESS:

23 A They said that people of his kind needed doing away
24 with.

25 BY THE COURT:

40
1 Who said that?

2 BY THE WITNESS:

3 I don't know who said it.

4 BY THE COURT:

5 I'll strike that. Disregard it, Members of the Jury.

6 BY MR. OWEN:

7 Q Now, uh, after June 21, 1964, did you have a con-
8 versation with Preacher Killen?

9 A I did.

10 Q When did that occur?

11 A On the afternoon of June the 22nd, 1964.

12 Q Where was that conversation?

13 A 516 31st Avenue, City Lion Service Garage.

14 Q And who was present when you had that conversation?

15 A He and I.

16 Q And what did Preacher Killen tell you that day?

17 A He told me-----

18 BY MR. BUCKLEY (INTERRUPTING)

19 Your Honor, if it please the Court, defendants
20 respectfully object to this for the reason this is
21 after the completion or the object of the purpose
22 of any conspiracy if any ever existed.

23 BY THE COURT:

24 Yes sir, are you making that objection on behalf of
25 all the defendants?

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1 BY MR. BUCKLEY:

2 I'm making it on the basis of my client, Your Honor,
3 but I understand it applies to all.

4 BY THE COURT:

5 Well, if you are making it on behalf of all of them
6 its overruled.

7 BY MR. BUCKLEY:

8 With of course, Your Honor, the exception of the one
9 that made the statement.

10 BY THE COURT:

11 Well that's the rule, but I just wanted to see who
12 you were speaking for.

13 BY MR. BUCKLEY:

14 Yes sir.

15 BY THE COURT:

16 Its competent to only as against the person who is
17 alleged to have made the statement who the witness
18 is about to testify and its not to be charged against
19 any other defendant in this case. You may proceed.

20 BY MR. OWEN:

21 What did he tell you?

22 A. He told me that the three had been taken care of
23 and the bodies were buried South of Philadelphia be-
24 yond the fairgrounds in an earthen dam and that they
25 had burned the car.

1 Q Did he indicate to you where he was?
2 A Yes sir, he told me he was at the funeral home in
3 Philadelphia, Mississippi.
4 Q Is there anything else that you recall that he told
5 you about that matter?
6 A He said that was his alibi, that's all I know.
7 Q No further questions.

8 CROSS EXAMINATION

9 BY MR. WEIR:

10 Q Brother Hatcher, Reverend Killen told you that he
11 was at the funeral home and didn't have nothing to
12 do with it, didn't he?
13 A Yes sir.
14 Q And that was soon after it was to have occurred,
15 wasn't it?
16 A Sir?
17 Q When he told you that, that was just a few nights
18 after it was to have occurred, wasn't it?
19 A I----
20 Q It was said to have occurred on the 21st and he told
21 you that on the 22nd?
22 A Yes sir.
23 Q And you did know Mr. Michael Schwerner?
24 A Yes sir.
25 Q And he was black headed, wasn't he?

1 A I don't remember the color of his hair, I had seen
2 him in and out of the police station several times
3 and I knew he was Michael Schwerner.

4 Q Was he an atheist?

5 BY MR. HAUBERG:

6 We object.

7 BY THE COURT:

8 Sustained.

9 BY MR. WEIR:

10 Q Now, you say that this meeting that was held in Bloomo
11 in June of 1964 that Mr. Henley was in charge?

12 A Who?

13 Q If I understood you right, you said a Mr. Henley was
14 in charge?

15 A I don't know Mr. Henley.

16 Q You didn't say something about a Mr. Henley leading
17 off?

18 A No sir.

19 BY MR. WEIR:

20 Your Honor, please, that's all the questions I have.

21 BY THE COURT:

22 All right.

23 BY MR. WEIR:

24 Wait, hold it, hold it, uh, Your Honor, I do have
25 some other questions, if you want me to go ahead and

1 finish or do you want to let him come back?

2 BY THE COURT:

3 No sir, I want you to go ahead and finish.

4 BY MR. WEIR:

5 Q. Mr. Hatcher, it was you then, who told the F. B. I.
6 where the bodies were at?

7 A. I did not.

8 Q. You did not?

9 A. No sir, I did not.

10 Q. Did you receive any money from the Federal Government?

11 A. I never received one red cent from the Federal
12 Government.

13 Q. Not even a dime?

14 A. No sir, I didn't receive any and I don't want any.

15 Q. And as far as you know, ever single man inside this
16 rail is innocent, as far as you know?

17 BY MR. HAUBERG:

18 We object to that, Your Honor.

19 BY THE COURT:

20 Sustained. Anything further? Stand aside.

21 Let's put this man Dennis back on the stand.

22 I assume you have finished with his statement
23 now?

24 (Witness Hatcher excused from the witness stand)

25

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1 BY THE COURT:

2 You can put this man Dennis back on the stand. I
3 assume you have finished with his statement by now.

4 BY MR. BUCKLEY:

5 Your Honor, please, I have no questions with regard
6 to this statement.

7 BY MR. MCINTIRE:

8 I do, your Honor.

9 BY THE COURT:

10 You do?

11 BY MR. MCINTIRE:

12 Yes, Your Honor.

13 BY THE COURT:

14 All right, you may ask him any questions that you
15 want. Show Willie D. Dennis is recalled for
16 examination only on the statement that he gave the
17 F. B. I.

18 BY MR. MCINTIRE:

19 Only on the statement, Your Honor?

20 BY THE COURT:

21 Well, do you have something else?

22 BY MR. MCINTIRE:

23 Yes, Your Honor.

24 BY THE COURT:

25 All right.

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ard
BY MR. McINTIRE:
Q. Reverend Dennis, you are presently living in Kentucky,
is that correct?
A. No sir.
Q. Where are you living now?
A. Clarkesville, Tennessee.
Q. Clarkesville, Tennessee. You were a
Minister in Philadelphia, Mississippi?
A. Yes.
Q. What church were you a minister of?
A. I pastored two churches while I was there. Do you
want both of them?
A. Yes, please.
Q. I pastored the Southside Methodist Church and the
First Southern Methodist Church.
Q. Where is the First Southern Methodist Church located?
A. Uh---

BY MR. HAUBERG:

If the Court please, we object to that as being
immaterial.

BY THE COURT:

1 Sustained.

2 BY MR. McINTIRE:

3 Q Do you know if Sheriff Andrew Lawrence Rainey was a
4 member of that church?

5 A Yes sir.

6 BY MR. HAUBERG:

7 We object to that, if the Court please.

8 BY THE COURT:

9 Overruled.

10 BY MR. McINTIRE:

11 Q Now Reverend Dennis, on this night that you say you
12 saw Sheriff Rainey at this so-called Klan meeting,
13 uh, as a matter of fact, that wasn't a Klan meeting
14 at all, was it?

15 A That was what I understood it to be, a Klan meeting.

16 Q That was what you considered it to be?

17 A Yes sir.

18 Q Have you ever seen Lawrence Andrew Rainey sworn in
19 as a Klan member?

20 A No.

21 Q Do you know for a fact that he is a Klan member?

22 A Only Klan members were admitted to the meetings.

23 Q Well, can you state for a fact that you do not know
24 he's a Klan member?

25 A I would say that it was a fact that he was.

1 Q Do you know of your own personal knowledge that he's
2 a Klan Member?
3 A Yes sir.
4 Q But you say you have never seen him sworn in?
5 A I saw him at a meeting.
6 Q You saw him at a meeting only. As a matter of fact,
7 Reverend Dennis, isn't it a matter of fact that Sheriff
8 Rainey was called out there that night to inquire
9 as to why the cars were parked around this area?
10 A No sir.
11 Q You don't think that?
12 A No sir.
13 Q After you departed from Philadelphia, Mississippi, have
14 you been in touch with Lawrence Rainey since then?
15 A I have.
16 Q What was your business with him?
17 A It was business was does not pertain to the Klan
18 and I would like to ask the Judge if I have to answer
19 that question?
20 BY THE COURT:
21 Yes sir, go ahead and answer the question.
22 BY THE WITNESS:
23 A It had to do with Church business.
24 Q All right, what kind of church business?
25 BY MR. HAUBERG:

1150

1 We object to that.

2 BY THE COURT:

3 I'll sustain the objection.

4 BY MR. McINTIRE:

5 Q Generally then, what was it?

6 BY MR. HAUBERG:

7 We object to that.

8 BY MR. McINTIRE:

9 Well I asked him generally, Your Honor.

10 BY THE COURT:

11 Well, he said it was church business, that's general.

12 Did it have anything to do about this law suit?

13 BY THE WITNESS:

14 No sir.

15 BY THE COURT:

16 Counsel, do you have any reason to explore that

17 any further?

18 BY MR. McINTIRE:

19 I think it would go to the credibility of his

20 testimony here.

21 BY THE COURT:

22 Well, you can't impeach him on an immaterial point

23 you know.

24 BY MR. McINTIRE:

25 Q But you did contact Sheriff Rainey after you left

1 Philadelphia, Mississippi?

2 A. That's what I stated.

3 BY MR. HAUBERG:

4 Object to that, Your Honor.

5 :BY THE COURT:

6 He's already answered.

7 BY MR. McINTIRE:

8 Q Well, wasn't it about a criminal matter?

9 BY MR. HAUBERG:

10 We object to that.

11 BY THE COURT:

12 I'll let him answer.

13 BY THE WITNESS:

14 A. It was on church business.

15 Q I ask you whether it was on a Civil Matter or a
16 Criminal matter?

17 A. Civil. I'm not sure that I know the difference, you
18 will have to explain what you mean the difference.

19 Q Well, what did you ask Sheriff Rainey when you con-
20 tacted him?

21 BY MR. HAUBERG:

22 We object to that, Your Honor.

23 BY MR. McINTIRE:

24 Well I'm trying----

25 BY THE COURT:

1 I believe I'll let him go into that.

2 BY MR. MCINTIRE:

3 Q What did you ask Sheriff Rainey when you contacted him?

4 A I asked him about the church property, would that be
5 considered Civil?

6 Q Just go ahead.

7 A As having been the Pastor there I was concerned about
8 the church property and we discussed that.

9 Q You were concerned about the church property. Why
10 were you concerned about the church property?

11 A Because I had worked with the church and was con-
12 cerned with its welfare and they didn't have a
13 Pastor at that time----

14 Q As a matter of fact, Reverend, weren't you concerned
15 about your own welfare, weren't you afraid that a
16 warrant had been issued for your arrest?

17 A Uh, no.

18 Q You were not afraid of that? And you deny here under
19 oath that you did not ask Sheriff Rainey if there
20 was a warrant for your arrest?

21 A I was not afraid of being arrested.

22 Q Well, why did you contact him then? We just want
23 the truth from you.

24 BY MR. HAUBERG:

25 We object to that, Your Honor.

5-2
1 BY THE COURT:

2 Overruled. I don't think that sounds like church
3 business to me.

4 BY THE MARSHAL"

5 Let's have order.

6 BY MR. MCINTIRE:

7 Q. Now Reverend, I am just trying to find out what
8 kind of business you discussed with Lawrence Rainey?

9 A. We discussed the church property.

10 Q. What specifically did you ask Sheriff Rainey?

11 A. I don't recall the exact-----

12 Q. (Interrupting) Well, generally then., what did
13 you ask him?

14 BY THE COURT:

15 Counsel, ask him specifically what you think it
16 was and see whether that was right, he's on cross-
17 examination, you can lead him if you want to.th

18 Q. Did you not ask Sheriff Rainey if there was not
19 a warrant issued for your arrest and that you had
20 gotten out of the State of Mississippi with some
21 church property?

22 A. No sir.

23 Q. Did you not go into debt to the church? Did you
24 not owe some money to the church at the time you
25 left the State of Mississippi?

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A. Uh, no sir.

BY MR. HAUBERG:

We object to that, Your Honor.

BY THE COURT:

I'll overrule your objection.

BY MR. McINTIRE:

Q. Just tell the Court and the Jury here exactly why you contacted Lawrence Rainey?

A. I simply wanted to know about the church property----

Q. You simply wanted to know about the church property, why did you want to know about the church property?

A. Because it had been suggested that the church property wasn't settled and they wanted to, uh, some of the
accuse
members wanted to ~~charge~~ me of owing for the church property but I was only the Pastor of the church and did not owe for the church.

Q. You did not owe for the church?

A. That's right.

Q. Did you leave the church under your own free will? Did you disjoin your self from the church congregation?

A. Would you please state that again?

Q. Well, did you quit the church or did the church quit you?

A. I resigned.

Q. Why did you resign?

1 A. I just did.

2 Q. Did someone ask you to resign?

3 A. No.

4 Q. You just resigned of your own free will? Nobody
5 caused you to resign?

6 (No answer from the witness)

7 BY THE MARSHAL:

8 You will have to speak up.

9 A. No.

10 Q. And you say here under oath now that you do not know
11 if Sheriff Lawrence Andrew Rainey is a member of
12 the Ku Klux Klan?

13 BY MR. HAUBERG:

14 If the Court please, he has answered that.

15 BY THE COURT:

16 Yes, I sustain that. He's answered that.

17 BY MR. MCINTIRE:

18 Q. Have you ever heard Lawrence Andrew Rainey ever
19 speak out of coerce, durass or threaten anyone,
20 I mean specifically, Michael Schwerner, Chaney and
21 Goodman?

22 A. No, but may I make a statement?

23 Q. Just answer my question.

24 BY MR. HAUBERG:

25 He has a right to finish his answer, Your Honor.

1 BY THE COURT:

2 Yes, you may make a statement.

3 BY THE WITNESS:

4 A. Uh, I asked Sheriff Lawrence Rainey once if the Klan
5 believed in killing or committing murder and his
6 statement was, "only as a last resort".

7 Q. But you don't know if he's a member of the Klan or
8 not, do you?

9 A. Sir?

10 BY MR. HAUBERG:

11 We object to that, Your Honor, he's already answered.

12 BY MR. McINTIRE:

13 I'll withdraw that question. That's all I have,
14 Your Honor, thank you.

15 BY THE COURT:

16 Anything further?

17 BY MR. ALFORD:

18 Yes, Your Honor.

19 BY THE COURT:

20 All right.

21 BY MR. ALFORD:

22 Q. Mr. Dennis, as a matter of fact you left Philadelphia
23 Mississippi owing one of the defendants, Billy Wayne
24 Posey, a hundred dollar bond on that church, didn't
25 you?

1 BY MR. HAUBERG:

2 Object, Your Honor.

3 BY THE COURT:

4 Sustained.

5 BY MR. ALFORD:

6 What was your ruling, Your Honor?

7 BY THE COURT:

8 Sustained. Is my microphone not working?

9 BY MR. HERMAN ALFORD:

10 I didn't hear you.

11 BY THE COURT:

12 All right. Anything further?

13 BY COUNSELS FOR DEFENDANTS:

14 Nothing further.

15 BY THE COURT:

16 Let him stand aside. All right, we'll take a recess
17 until 9:00 o'clock in the morning with the same
18 understanding Members of the Jury that we've always
19 had. Good night.

20 BY THE MARSHAL:

21 Jurors follow me. Stand back and let the jurors
22 out first.

23 (WHEREUPON THE COURT TOOK A RECESS AT 8:26 P. M.

24 ON OCTOBER 12 UNTIL 9:00 O'CLOCK OCTOBER 13)

25

1 OCTOBER 13, 1967:

2 BY MR. BUCKLEY:

3 Your Honor please, this witness has previously been
4 on the witness stand, if my memory serves me correct,
5 and I don't remember any mentioning of him being
6 recalled. As I understood the Court and I may have
7 misunderstood or misinterpreted the Court's ruling
8 that this has passed the stages of rebuttal, Your
9 Honor.

10 BY THE COURT:

11 I haven't made any ruling that his appearance back
12 on the stand conflicts with.

13 GEORGE A. BERLEY, recalled to witness stand, and
14 having previously been sworn, testified as follows:

15 BY MR. DOAR:

16 Q Would you restate your name again?

17 A George A. Berley.

18 Q When you were on the stand the other door I
19 neglected to have one of the working door locks
20 marked for identification, do you have that door
21 lock with you?

22 A I have the tailgate lock with me, yes sir.

23 BY MR. ALFORD:

24 We object, that's not responsive to his question.

25 BY MR. DOAR:

1 Q Do you have that working door lock with you?

2 A I have, yes sir.

3 Q What kind of a door lock or lock on a car is it?

4 A This is a tailgate lock from a station wagon.

5 Q Is this one of the lock, uhh, can you tell me
6 how you received that lock?

7 A I received this lock on June 29, 1964 through
8 the mail from the F. B. I. at Meridian, Miss.

9 BY MR. WEIR:

10 Judge, may we have a continuing objection?

11 BY THE COURT:

12 What is your objection?

13 BY MR. WEIR:

14 He hasn't properly qualified it or authenticated how
15 it got there.

16 BY MR. HENCRICK:

17 We object too Your Honor, he hasn't stated where its
18 from, what kind of lock it is.

19 BY THE COURT:

20 Well, this is supplementing or amending the testimony
21 which he gave as witness number 19 in this case
22 so I'll overrule your objection and you may have
23 a continuing objection.

24 BY MR. DOAR:

25 Q Will you hand the lock to the Marshal please?

1 BY THE COURT:

2 Its my recollection that there were several locks
3 marked as one exhibits and this is now part of one
4 exhibit. What number is that?

5 BY THE CLERK:

6 Number 65 for identification.

7 BY THE COURT:

8 All right, P-65 for identification. All right.

9 BY THE CLERK:

10 Your Honor, they were entered as separate exhibits,
11 P-63, 64, 65, but the one he is asking for now is
12 P-65 for identification.

13 BY THE COURT:

14 Oh, what are you offering that's been marked for
15 identification.

16 BY MR. DOAR:

17 I would like to offer just two parts of that into
18 evidence, the two working locks.

19 BY THE COURT:

20 I understand from my Clerk that both were given
21 different numbers for identification, my question
22 is which identifying number are you now offering into
23 evidence?

24 BY MR. DOAR:

25 This is P65 Your Honor.

1 BY THE COURT:

2 All right it may be entered and be marked. What number
3 will that be?

4 BY MR. ALFORD:

5 Your Honor may we inquire if that will be for
6 identification or evidence?

7 BY THE COURT:

8 He's offering it into evidence.

9 BY MR. ALFORD:

10 We respectfully object Your Honor because he
11 hasn't properly authenticated them and laid the proper
12 predicate for them.

13 BY THE COURT:

14 The reason I wouldn't receive them in evidence before
15 and had them marked for identification, I didn't think
16 what I was looking at was a lock, it looked like some
17 moulden metal of some kind.

18 BY MR. ALFORD:

19 That's right, if the Court please, these were the
20 ones that were mailed and didn't show the proper
21 connection.

22 BY THE COURT:

23 I believe I'll let you connect that up a little more
24 Mr. Doar.

25 BY MR. DOAR:

1 Q The lock that you have in your hand, would you
2 tell us, that is P-65 for identification, will
3 you tell us how you received it?

4 A This a lock exhibit 65 that I received from
5 Special Agent Joseph Gormley in the F. B. I.
6 Laboratory on June 26, 1964.

7 Q What identification marks did it have on it at
8 that time.

9 BY MR. HENDRICKS:

10 We object Your Honor he said he received it from
11 some special agent in the laboratory.

12 BY THE COURT:

13 I understood him to say he received it in the mail.

14 BY MR. DOAR:

15 Your Honor excuse me, that was the other lock, there
16 are two locks, the other lock that I showed the
17 defendants first, and one lock he got from Special
18 Agent Gormley.

19 BY THE COURT:

20 I understood that you were offering both of those
21 locks as one exhibit?

22 BY MR. DOAR:

23 I am.

24 BY THE COURT:

25 Well, I think you had better separate them so we will

know which lock we are talking about.

BY MR. DOAR:

Q Then Your Honor the lock that he received from Special Agent Gormley continue to have this exhibit number and the other lock that he received in the mail to have another number.

BY THE COURT:

Well, I think it might be better to give both of them a number, a new number, so what would the next number be?

BY THE CLERK:

The next number would be 76.

BY THE COURT:

All right, you can number one of them 76 and one 76-A and let's separate them and pick out one lock at a time and talk about one lock at a time, so which one do you want to talk about first?

BY MR. DOAR:

I'll talk about this lock, 76.

BY THE COURT:

All right, I'll let you ask him about that.

BY MR. DOAR:

Q Exhibit 76, can you describe that lock?

A This is a lock from a Ford product car, its a door lock.

1 Q And how did you receive that lock?

2 A I received this lock from Special Agent Gormley
3 in the F. B. I. Laboratory on June 26, 1964.

4 Q And did you, can you tell me whether you tested
5 any of the keys that you removed from the pants
6 pocket of body number one? In that lock?

7 A I did.

8 BY MR. ALFORD:

9 We object he's leading the witness.

10 BY THE COURT:

11 Overruled, I don't think that's leading, go along.

12 BY MR. DOAR:

13 Q What did you find?

14 A I found that the----

15 BY MR. WEIR:

16 May we have a continuing objection throughout
17 this testimony?

18 BY THE COURT:

19 Yes.

20 BY THE WITNESS:

21 A I found that the Ford key having the square
22 bowl fitted this lock.

23 Q I would like to offer exhibit 76, Your Honor
24 into evidence.

25 BY MR. ALFORD:

We object.

BY THE COURT:

Overruled. I'll let it be entered and marked P-76, is that the number?

BY THE CLERK:

Yes sir.

(Whereupon exhibit entered into evidence and marked P-76)

BY MR. DOAR:

I would like for the Clerk to mark the other exhibit 76-A for identification.

BY THE COURT:

All right.

(Whereupon exhibit marked P-76-A for identification)

BY MR. DOAR:

May I continue to question the witness?

BY THE COURT:

Yes sir.

BY MR. DOAR:

Q Referring now to what has been marked for identification as 76-A, can you tell the Court when and how you received that lock?

A Exhibit 76-A was received by me in the F. B. I. laboratory on June 29, 1964 through the mail from the F. B. I. Office at Meridian, Miss.

1 Q What kind of lock is that?

2 A This is a lock from a tailgate of a Ford Station
3 Wagon.

4 BY MR. ALFORD:

5 If Your Honor please, we object to his testifying
6 about this door lock since he said he received it in
7 the mail.

8 BY THE COURT:

9 Overruled.

10 BY MR. DOAR:

11 Q Did you test any of the keys you found in the
12 pants of body number one in that lock?

13 A I did , yes.

14 Q What did you found?

15 A I found that the round key, rather the key
16 having a round bowl fitted and worked this lock.

17 BY MR. DOAR:

18 I would like to offer into evidence that lock as
19 exhibit 76-A.

20 BY MR. WEIR:

21 We would like the record to show a continuing objec-
22 tion.

23 BY THE COURT:

24 Overrule the objection, it may be entered and be
25 marked.

(Whereupon exhibit entered into evidence and marked
P-76-A)

BY MR. DOAR:

Thank you.

BY MR. DOAR:

Thank you.

BY THE COURT:

All right, you may cross examine.

BY MR. WEIR: CROSS EXAMINATION

Q You say you are some kind of a lock expert?

A I've made a study of locks, yes sir.

Q You are not an expert in that field?

A I've made a study of locks, that's as far as I
can go.

If the Court please we move to strike his testimony.

BY THE COURT:

Overruled.

BY MR. WEIR:

Q You have taken locks apart?

A I have, yes sir.

Q And you've put them together?

A I have, yes sir.

Q And you can open a lock without even having a
key to it can't you?

A Yes sir I can.

1 Q And there is not a lock in this world that you
2 can't unlock without even having a key to it is
3 it?

4 A I can't unlock?

5 Q And not even have a key to it.

6 A No, I wouldn't say that.

7 Q Well most of them you could, couldn't you?

8 BY MR. HAUBERG:

9 If the Court please, we object to that.

10 BY THE COURT:

11 I'll let him answer.

12 BY MR. WEIR:

13 Q There's not many locks in these United States
14 that you couldn't unlock without even having
15 a key is it?

16 A No, I wouldn't say that, no sir.

17 Q Well, what do you say?

18 A I say I have made a study of locks and I know
19 the methods that are employed to open locks with-
20 out keys.

21 Q And you can do it can't you?

22 A Yes, I can do it.

23 Q And when you take a lock apart you can fix it
24 where another kind of key will work in it too
25 can't you?